

Saturday, 15th April, 1933

THE
COUNCIL OF STATE DEBATES

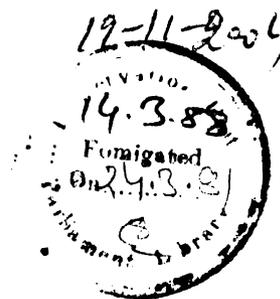
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(16th February to 15th April, 1933)

FIFTH SESSION

OF THE

THIRD COUNCIL OF STATE, 1933



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COUNCIL OF STATE.

Saturday, 15th April, 1933.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member) : Sir, I move :

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

Honourable Members will no doubt remember that in response to a Muslim demand made in 1928, Government appointed a Haj Inquiry Committee in March, 1929, and on that Committee Members of this Council were also represented. That Committee made an exhaustive tour and presented its report in 1930. That report was examined by Government and was duly considered in consultation with local Governments and the Haj Standing Committee on which again this House is represented. It was as a result of these consultations that the present Bill was prepared. It is one of the three Bills prepared in pursuance of the recommendations made by the Haj Inquiry Committee. One of these three has already been passed by this House ; this is the second Bill and the third one is not being proceeded with for the present. Honourable Members will have noticed that the basic idea of the present Bill is to make for the comfort and convenience of the pilgrims without adding to their expense. The object is that as far as possible Haj be not made expensive, but at the same time all comforts that can be secured for them should be secured. It was found by the Haj Inquiry Committee that the practice of the Hajis cooking for themselves was such as was absolutely insanitary, even dangerous and did not permit those interested in them to do anything in the way of affording comforts and conveniences for them. This was the basic idea of the report, and it is this idea which is the pivot of the present Bill. When this provision is enforced, it is hoped larger space will be available for pilgrims for their accommodation.

The next provision in the Bill which is of some importance is to make pilgrims immune against cholera and small-pox by inoculation. This will do away with the need for quarantine at Kamaran, a matter of very great importance.

The third important provision is : When the pilgrims return, they have to wait for boats. The waiting period was 25 days previously during the period immediately following the Haj. That 25 days has now been reduced to 15.

The fourth important point was that no real attempt could be made to enable Hajis to leave the ports of embarkation in India as soon as they arrived there. They had to wait for days, sometimes weeks, which added to their expense and discomfort. We have introduced provisions which enable

[Khan Bahadur Mian Sir Fazl-i-Husain.]

provisional dates to be advertised so that Hajis can arrange their arrival accordingly, and at the same time we have provided that shipping companies should be able to comply with the statute later by giving exact dates.

There is one point on which Government has not been able to comply with the recommendations of the Haj Inquiry Committee and that is with reference to their wish that deposits be made compulsory and return tickets be abolished. After very careful consideration we came to the conclusion that for the present it was best to try both systems side by side on a voluntary basis. It is true the shipping companies would on their side try to push the return ticket system; but, on the other hand, if the deposit system is undoubtedly superior to the return ticket system, there is no reason why Hajis themselves should not see the advantage, and further there is no reason why the Port Haj Committee when it is operating should not be able to convince Hajis who are ignorant of the facts of the comparative merits of the two, so that they may decide in favour of deposit and against the return ticket. In the meantime all privileges that attach to return tickets have been extended to deposits as well. Lastly, Sir, unclaimed deposits and the value of unused return tickets, at present not provided for by law, have been arranged for, and when such amounts are received by Government they will be transferred to the Port Haj Committees which will give them funds to be utilised for the convenience and comfort of Hajis. That, Members will realize, is a very satisfactory provision.

We cannot, Sir, in this world have all we want, and even if we get all we want we are apt to feel that there is something else we did not get. That is human nature. Therefore I will not say anything myself which Members might criticise as self-laudation on the part of one who has produced the Bill, but I have ventured upon a few words of commendation realizing that the Bill really is not my handiwork at all. Credit for it I claim, not for myself, but for the Haj Inquiry Committee on which representatives of this House also sat. They have done a great work and great credit is due to them. I trust that Honourable Members will realize that this was a Committee brought into existence because the Muslim public wanted it, that the Committee worked in the interests of the public and that their recommendations were speedily brought under consideration by Government, resulting in legislation within a very short period of time. I am told by those who know these things, that there are not many instances where necessary legislation of this description has been introduced and passed after receipt of the recommendations of a Committee so quickly as in the present case.

THE HONOURABLE SAYIED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, it has been rightly observed by the Honourable Leader of the House that the Bill before us is the outcome of the investigations of the Haj Inquiry Committee. Sir, Honourable Members are aware that this Committee was appointed at the instance of non-official Muslim Members of the Assembly. The personnel of the Committee comprised Honourable Members of this House as well as of the Assembly and the great majority represented the most orthodox school of Muslim views. The Committee toured all over the country; it examined hundreds of witnesses and took every step to study the conditions of the Haj pilgrim traffic. After an exhaustive inquiry it submitted its report. Among the recommendations made were some which demanded modification of the Indian Merchant Shipping Act

in some respects. Government examined those suggestions, consulted provincial Governments, shipping companies, the Standing Haj Committee and all others concerned in the matter and then formulated proposals which are now before us for consideration. If we thus recall to our mind the history of the events which have led to the framing of this Bill, if we only bear in mind the fact that on this Committee there were persons like Maulana Sayid Murtaza Sahib, Maulana Shafi Daoodi Sahib and several others, than whom no better selection could have been made to represent the Muslim orthodox view—if we bear all this in mind, there can be little doubt left as to the purpose for which this Bill is really intended, inasmuch as all the provisions in the Bill are in the main based upon the recommendations of that Committee. With your permission, Sir, I would like to take this opportunity to tender our most grateful thanks to the Honourable Leader of this House for having so promptly striven to give effect to the recommendations of the Haj Inquiry Committee. Even if action is taken on the recommendations of such Committees, it is not often done at an early date. The Haj Inquiry Committee is lucky in this respect. Not even three years have elapsed since it submitted its report and its recommendations are now the text of the legislation before us. Sir, the readiness with which the Honourable Member in charge has hastened to carry into effect the Haj Committee's recommendations offer another and unmistakable proof of his solicitude for the well-being of Haj pilgrims.

Sir, as the Honourable Leader of the House has already dealt in detail with the provisions of this Bill, I would in my speech confine myself only to some of its salient features. Sir, one of the main provisions of the Bill is the supply of cooked food to pilgrims on board ship. Sir, under the present arrangement when cooked food is not being supplied to pilgrims, they are put to considerable difficulty. All the disadvantages, the evils that accrue from allowing pilgrims to cook their own food, have been referred to and explained at length in the report of the Haj Committee. Therefore, Sir, this provision to supply cooked food to pilgrims on board ship will not only save pilgrims from the trouble of cooking their own food but it will also tend to conduce to a very great extent to their comfort in several other ways. Sir, it is obvious that this arrangement will bring about better sanitary conditions and much healthier conditions on board ship. Sir, when pilgrims are required to prepare their own food, it is necessary that they have to keep with them all the foodstuffs and kitchen utensils necessary for cooking their food. The result is that out of the limited space allotted to each pilgrim a portion has to be set apart for storing these articles. Now that under the proposed arrangement pilgrims will not be required to prepare their food they will not be put to the necessity of keeping all those articles with them and even if any of them carry kitchen utensils and foodstuffs, those articles might very well be deposited in the hold of the ship. Therefore, Sir, this arrangement would go to make more room available for the comfort and convenience of pilgrims. Sir, it is proposed to fix the rate for the supply of this food and it is hoped that not more than one rupee will be fixed per diem for the same. In this connection I would submit to the Honourable Member in charge that the rate stated be fixed at less than Rs. 1 per diem for adults and provision should be made that in the case of children under 12 years of age the rate should be half the rate fixed for adults. Sir, in this connection I have to draw the attention of the Honourable Member to one very important aspect of the question. Sir, when under section 213 of the Merchant Shipping Act rules come to be framed, care should be taken to see that pilgrims are supplied with food which is not only wholesome but is also absolutely unobjectionable from the point of view of the orthodox Muslim. The caterers, the contractors of the shipping companies, should be required to employ Muslim cooks and use only

[Saiyed Mohamed Padshah Sahib Bahadur.]

such meat as they can get from animals duly slaughtered. Unless these precautions are taken all the elaborate arrangements which are obviously for the comfort and the well-being of the pilgrim traffic would hardly be of any avail. Sir, it is a matter of common knowledge that Mussalmans, whether of the very orthodox type or otherwise, always refrain from partaking of meat of animals which have not been duly slaughtered. To ensure this, Sir, it may be necessary that the Port Haj Committees be afforded all necessary facilities to inspect and check arrangements in this respect in order that they may satisfy themselves. It may be necessary also that these Port Haj Committees may be required to submit reports periodically, say about a couple of months after the Haj as to the way in which these food arrangements have worked. These Committees may make enquiries of the pilgrims on their return from the Hejaz and find out for themselves how the food arrangements have worked and how far they have been appreciated by those pilgrims. Sir, now and then it may also be necessary that one representative at least of the Port Haj Committees and the Standing Haj Committee may have to travel on board the pilgrim ship to watch the food arrangements and for this purpose it would be advisable that on those occasions such a representative is provided with a free passage.

Sir, another important provision made in this Bill is the reduction of the waiting period from 25 days to 15. This is a very salutary change and one which is bound to result in much greater convenience to the pilgrim on return from the Hejaz and save them from a great deal of trouble at Jeddah.

Sir, the provision regarding the advertising of the approximate date of the sailing of the ship to be followed later by the exact date is also calculated to go a very long way in curtailing the period of waiting at the port of embarkation. Again, Sir, the fixing in the Bill of the minimum space for each pilgrim is decidedly to the advantage of the pilgrim. Sir, what happened, what is even now happening, is this. Even though the rules entitled the pilgrim to some fixed space on deck the pilgrim seldom or never enjoys the whole of that space allotted to him. But now that a statutory provision has been made in the Bill fixing this space it may be reasonably hoped that the pilgrim would be able to secure for himself the space allotted to him under the law. Now, Sir, while I am on this aspect of the question, I would like to stress the desirability of doing everything necessary to see that all the heavy luggage of the pilgrim passengers is deposited in the hold of the ship. If, Sir, the pilgrim is not inclined at present to keep his luggage in the hold, it is simply because arrangements in this respect are far from satisfactory. The shipping company never cares to number and register the packages properly. They do not take steps to inspire the pilgrim passenger with confidence and remove all room for any apprehensions that his luggage may be lost. Again, Sir, when the pilgrims deposited their luggage in the hold of the ship it should also be provided that they should be given access to their luggage in the hold for a certain period in the day. By making these arrangements, Sir, it will be possible to have all the heavy luggage of the pilgrims kept in the hold, so that more room may be available to the pilgrims on deck.

Sir, as regards the deposit system, it would have been better if the Government had seen their way to do away with the return ticket system. This deposit system is decidedly in the interest of the pilgrim. Even though to all outward appearance the return ticket system holds out the same convenience and facilities for the pilgrims

it very often happens that a pilgrim who takes a return ticket finds himself at a much greater disadvantage than the other who has travelled under the deposit system.

Sir, I may draw attention to the recommendation made by the Haj Inquiry Committee in regard to the fare. At a time when the original fare stood at Rs. 195 return fare, this Haj Committee was of opinion that it could be reduced to Rs. 158 including also the food expenses. Now the conditions are very different. The commodity prices are very much lower now than they were at the time that recommendation was made by the Haj Committee. There has been a reduction of expenses all round and every endeavour should therefore be made to see that the fare is brought down to the figure which the Haj Inquiry Committee recommended. (Hear, hear.)

Sir, besides the provisions to which I have made reference there are several other provisions in this Bill which are calculated to conduce to the comfort and well-being of the pilgrims but since all these details have been dwelt upon by the Honourable the Leader of the House I do not propose to go any further into these features of the Bill.

One word more and I have done, Sir. The Bill is manifestly in the interests of the pilgrims and if steps are taken to see that these provisions are duly carried into effect it will certainly go a long way to improve the hard lot of the pilgrims who really deserve every help that is proposed to be given to them by this Bill and also every possible help for which any further steps may also be devised in the light of the experience that may be gained in the working of the provisions of this Bill.

Sir, I support the motion.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, if I rise to speak on this measure it is neither to support it *in toto* nor to affirm that it does not confer any benefit on the Muslim pilgrims. There is no doubt about the fact that this measure was brought forward by the Government with the laudable intention of conferring some benefits and advancing to a certain extent the rights of the pilgrims. If there has been any opposition in the country about this Bill it is mostly due to the fact that the advance has not been sufficient, that the advantages which we hoped to have had from this measure, have not materialised. It is because, Sir, if we analyse the whole Bill, we find that the measures recommended by the Haj Committee have not been carried out in its entirety. There is no doubt about the fact that the Government has been quick in bringing forward the measure but that does not satisfy us because of its defects of omission. Sir, first of all I should like to lodge my protest against the formation of the Haj Inquiry Committee in which out of nine non-official Members seven Members from the Legislative Assembly were taken —

THE HONOURABLE THE PRESIDENT : Don't you think that that is an ancient story now ?

THE HONOURABLE MR. HOSSAIN IMAM : Well, Sir, that is why the Bill is so defective, because it is based on that. Now, Sir, I should like to say that even the recommendations of the Haj Inquiry Committee were not carried out *in toto*. Too much stress has been laid by the Government as well as by its opponents on the question of cooked food which in itself was not

[Mr. Hossain Imam.]

deserving of the importance which has been given to it. The Government in its reforming spirit went forward to make this innovation because they were fortified by the finding of the Haj Committee but even that Haj Committee itself accepted the fact that the weight of evidence adduced before it was against this innovation. A compromise was offered when the Select Committee sat in Simla in the summer of 1932, and that compromise, if it had been accepted, would have gone a long way to disarm the opposition to this Bill. But unfortunately that compromise could not be effected. My reason now, Sir, for not opposing the Bill is that I find that this Bill does to a certain extent advance our interest and we reserve to ourselves the right to demand further improvements when we find that this measure does not satisfy. I think this is not a thing to which even Government Members will take an objection, because they themselves admit that they have not done all that they could have done in the removal of the difficulties. In this connection I should like to remind the Honourable Member in charge of the recommendations of the Haj Inquiry Committee that the rate should be Rs. 158 including food. This Rs. 158 probably included Kamaran charges on page 79, paragraph 175. The Government should endeavour to bring down the fare including the cooked food to this rate. I quite admit that it cannot be done by statute but the Government has more strong and persuasive measures by which it can press its views and it does press them when it wants to. Sir, there are some improvements which it is possible for the Government to make without having recourse to legislative enactment for that purpose. At the moment, Sir, the accommodation which used to be 96 cubic feet and 16 superficial feet by means of rules has been incorporated in the Bill. I am very glad to find, Sir, that in the other place the Member in charge promised to mark out in the holds group seating, but I should also like and urge upon the Government the necessity of marking on the tickets the hold numbers for which they are available. If this is done, we will be able by that means to segregate to a great deal the pilgrims from the different provinces. I would also urge that on the upper decks, marking should be placed to mark out to which between deck hold this particular deck belongs. It will in reality be dividing up the upper deck into eight or ten parts. It will be no great difficulty to the Government but it will greatly facilitate the pilgrims in finding out to which particular hold in the between decks and to what particular spot in the upper deck they belong. In addition, I would like to commend the view of Sergeant Orford given in paragraph 148, page 87, in which he strongly advocates an arrangement by which the tickets will be marked with the spots allotted to the passengers. If it is not possible to allot particular places on the tickets, at least the holds should be mentioned on the tickets. This will greatly facilitate the passengers and ease their troubles which are now encountered by Bengalis being pushed in with Afghans —

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :
Brotherhood.

THE HONOURABLE MR. HOSSAIN IMAM : There is another recommendation of the Haj Committee which does not find any place and which I hope Government will try to incorporate in the rules, and that is about the washing places. At the present moment, in the rules the numbers are not fixed. The Haj Committee recommended that the number should be fixed at the rate of one washing spot for each hundred pilgrims carried on the ship.

There is no doubt, Sir, that Government wanted to do us good, but the way in which they did it was unsatisfactory because it was not thorough enough and because they were too mindful of the interests of the shipping companies. I know that shipping companies have at the moment a sort of monopoly and they can dictate to them. If the Government were in earnest, they could induce even the shipping companies. When they can dictate to Mahatma Gandhi and Congress, I think they can dictate to Turner, Morrison and Company as well.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : Induce them by soul force !

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) : Sir, it was I believe in pursuance of a Resolution of the Legislative Assembly that the Government of India undertook to enquire into the conditions of Haj travel with a view to ameliorate them from the view-point of health and comfort of pilgrims to the Hejaz. Exhaustive enquiries were instituted at the ports and elsewhere, through Haj Committees and other representative agencies, and the result of those extended labours we see in the form of the Bill which is today before this House. The Bill was piloted through the Assembly by Mr. Bajpai, a worthy son of my valued friend and colleague on the Jaipur Council of State, Rai Bahadur Pandit Sitla Parshad Bajpai, and it has fallen to the lot of that high-minded patriot and statesman the Honourable Mian Sir Fazl-i-Husain to see it through to a successful issue. Sir Fazl-i-Husain's name shall remain associated with many constructive efforts of the Reforms era.

It has been said—very uncharitably I think—that Government desire to discourage Haj through this measure. Actually this Bill has the blessings of men like Maulana Shafi Daoodi, Sir Abdul Rahim Makhdom, Sayyed Rajan Buksh Shah, Seth Haji Haroon—men who yield to none in their spirit of independence or their love of solicitude for the pilgrimage to Hejaz, and the mere association of their names with the measure is a guarantee of the fact that it is covered with the best of intentions in the best interests of the Hajis.

There are one or two points, however, which I should like to emphasize in order to make this Bill more useful to the public. At present the pilgrims are huddled together like sheep on board the steamers with the result that very meagre space is permitted to them. The Bill makes it obligatory on the shipping company to provide at least 16 feet space to each passenger. In actual practice I think it may be possible to induce the companies to permit more than that, for with better conditions of ocean travel and perhaps the building of the projected railway in the Hejaz the increased traffic and consequently increased income will make it easier for the companies to provide ampler spaces.

Sir, I strongly endorse the view that cooked food should be supplied to the Hajis. But to meet their susceptibilities in this connection the cooking arrangements should be under the supervision of an orthodox Muslim food inspector. We have got a system of Hindu and Muslim refreshment rooms on the North Western Railway and these refreshment rooms are very popular, and on the same system the food arrangements should be made on the steamers with rates fixed for different kinds of dishes. The staple food of a Kashmiri is rice. Cooked rice will be supplied to him and he will pay for the same according to the tariff rate. Thus it will be possible for the passengers to take their meals according to their own taste and requirements. The system should be elastic and the payment should be based on daily consumption and

[Khan Bahadur Chaudri Muhammad Din.]

should not be in the form of a lump sum for the whole voyage. I mean it should be open to pilgrims not only to select their dishes and pay for them every day, but they should not be made to pay anything on account of food during periods when owing to illness or disinclination they do not eat anything.

These improvements will, I venture to think, go a long way to make the measure useful and will earn the gratitude of the numerous pilgrims.

THE HONOURABLE KHAN BAHADUR DR. SIB NASARVANJI CHOKSY (Bombay: Nominated Non-Official): Sir, it is a matter of considerable satisfaction to one like me, who was connected for over 25 years with the Hajis, especially those who used to be removed to my hospital when suffering from small-pox, cholera and other infectious diseases. They used to come from very long distances, sometimes from Central Asia and Turkestan taking several months on their journey, as also from the Far East, from places like Java. But the most miserable and the poorest of the whole lot came from Eastern Bengal. They were drawn from Comilla, Mymensing, Barisal and Dacca, and their condition was indeed deplorable. Their ages varied between 50 to 70 years. Their clothes and bedding were mere rags. If one were to see their food—it was so poor, so unnutritious and so bad that even the hospital sweepers did not care to touch it. It used to be wrapped up in dirty packets, or in pieces of dirty cloth, and it was surprising how they managed to live upon such material on their journey from Bombay to Mecca. They used to complain bitterly that they were being looted at every step. When asked to deposit their money for safe custody, they were suspicious lest it might share the same fate. They would not repose confidence in any one. I once saw a man remove five sovereigns from a pouch in his throat where he had secreted them, because there was no other place where he could hide them! On the return journey, they had practically very little food and suffered from diarrhoea and dysentery. The provision which has been made in this Bill for cooked food is indeed salutary. I am however afraid that the suggestion made by the Honourable Member that a number of different dishes should be prepared and sold to Hajis at a fixed tariff, according to their liking, is not at all practicable. To conform with the tastes and susceptibilities of all the different people numbering 1,000 to 1,500 would necessitate the employment of several cooks, if individual tastes were to be satisfied. That would indeed be a heroic task. As regards space, 16 square feet are certainly given per passenger, but what happens is that the more virile races push the weaker ones out and absorb their space; the poor Bengalis, for instance, have thus to go down to the lower decks. I would therefore suggest that the spaces should be marked out and numbered and nobody should be allowed to entrench on the space allotted to his neighbour.

With regard to water, there have been very grave complaints that pumps are kept open only in the morning and evening for short periods and in the scramble for water, the weaker go to the wall and get an insufficient supply for their needs. The water is often scanty and unpotable on the return journey. As regards food, it is, as I have said, a salutary measure that they should be supplied with cooked food. In the case of the poorer pilgrims who cannot possibly afford to pay for their food I would suggest that the Muhammadan princes and rajas should organise a fund from which these might be helped with sufficient money to cover the cost. After all, these people are not going on a pleasure cruise but in pursuance of a religious duty in which they have implicit faith. Unless such a fund is established, I do not

think these poor people will be able to pay Rs. 20 or Rs. 30 which is to be demanded for their food in addition to the passage money and other incidental expenses.

As regards medical arrangements. There is one medical officer for 999 pilgrims, and a compounder, an ayah and a sort of a wardboy. That is hardly enough. The accommodation given to the medical officer is not enough, and the ignorant ayah and wardboy are no good. What is wanted is a well-trained nurse-midwife speaking Urdu. An Anglo-Indian or European person should be employed. One other complaint I have heard is that when the captain is not conciliatory, the doctor cannot get proper attention to be paid to the sanitary condition on the ship as he is not vested with any authority. It is to be hoped that proper attention will be paid in the rules to be framed under the Act for the sanitary condition on board. I believe that the rules laid down by the International Sanitary Convention of 1926 are being adhered to and those rules no doubt provide for all necessary measures.

The voyage takes 13 to 14 days to Jeddah. If, unfortunately, however, an infectious case occurs the pilgrims are detained at Kamaran. It is necessary for this reason that ships should carry enough food not only for the voyage but also for the probable period of such detention. The diseases commonly prevalent are diarrhoea and dysentery; a good proportion die on the return voyage because they have practically no food and no money. It is to be hoped that the provision for the supply of cooked food will very greatly reduce this mortality. People coming from a cold climate suffer from heatstroke; and some deaths are due to this cause also. A properly qualified medical officer, however, would be quite capable of dealing with such occurrences.

I should like to place before this Honourable House a few suggestions which may be embodied in the rules. These are—firstly, that the space for each pilgrim should be marked out and numbered; secondly, there should be fans in the lower hatches where the stench when all these pilgrims are huddled together is intolerable and unbearable; thirdly, more water should be supplied; fourthly, officers should know one of the colloquial languages, especially Urdu; fifthly, there should be a daily cleansing of the ship; sixthly, a Muhammadan medical officer should be preferred as he is more familiar with the customs and habits of the Hajis.

I would further suggest that the Haj Committee should appoint a responsible Muhammadan representative to travel with each ship to supervise the arrangements. That would ensure the comfort of those on board and help to remedy defects, if any, on proper representation to the captain.

One word more. Care should be taken that there is no officious interference with the administration of this Act from members of the Haj Committee or their representative at any point. There have been such instances; much unnecessary trouble has resulted that could have been easily avoided.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Sir, I am very grateful to Honourable Members for their valuable suggestions which will be borne in mind in the preparation of the rules. I am sure Government will benefit a great deal by these suggestions, which struck me as being very largely constructive.

One word, Sir, as to reduction of fares. Perhaps Honourable Members are not aware that the fares when the report was made were at Rs. 195. In the following year they were reduced to Rs. 165—a reduction of Rs. 30. I may assure the House that every effort will be made to bring about a further reduction.

THE HONOURABLE THE PRESIDENT: The question is :

“That the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

Clauses 2 to 15 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Sir, I move :

“That the Bill, as passed by the Legislative Assembly, be passed.”

The motion was adopted.

INDIAN INCOME-TAX (AMENDMENT) BILL.

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary): Sir, I rise to move :

“That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose (amendment of section 4), as passed by the Legislative Assembly, be taken into consideration.”

Sir, this is a simple Bill confined to the object of stopping up a loophole in our present income-tax legislation. As things stand at present, under section 4 income derived from a business outside British India is subject to income-tax on the part of residents in British India if brought into the country within three years. There seems to be no reason why income from investments should be exempted or why the period should be limited to three years and this Bill is designed to remove these two restrictions. When the Bill went to Select Committee in another place a certain amount of doubt was expressed by non-official Members regarding the retrospective effect that might be given to the operation of the Bill. They felt that people who in the past had invested their money abroad realising that it would be free of income-tax might be unfairly penalised if they were taxed when they brought it back. They also pointed out—and I notice that there is an amendment to that effect on the paper—that if they were encouraged to bring the money back as soon as the Bill was passed the amount of their previous investments might bring them into some higher category and make them subject to super-tax. The majority of the Select Committee therefore recommended a provision more or less on the lines of the amendment proposed by the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra. It was felt, however, that there were obvious objections to such a proposal ; it would be administratively difficult to work and it would be even more unsatisfactory in the future. It would be quite impossible for income-tax officials to say that so much income was earned in one year, so much in another year and so on. Besides, in the future anybody who invests his money abroad will do so with his eyes open,

knowing that the law is as it stands. Government therefore decided to meet this objection—though they did not think it altogether well founded—by eliminating the retrospective effect from the Bill and a clause has now been added to the effect that :

“ Provided that nothing contained in this sub-section shall apply to any income, profits or gains so accruing or arising prior to the first day of April, 1933, unless they are income, profits or gains of a business and are received in or brought into British India within three years of the end of the year in which they accrued or arose.”

That amendment met with the acceptance of another place and as a result the administratively difficult and unsatisfactory proposal that the past interest might be split up when it was brought into the country was thrown out.

There is only one other point, Sir. A certain amount of apprehension was also felt that this Bill might alter the practice in respect of agricultural income accruing in Indian States. It is not the intention of Government to alter the present law in that respect. We realise that it is a very complicated subject and our object was merely to stop up this clear and obvious loophole in the present law and to be careful in embarking on wide alterations in our income-tax legislation. For that purpose Government in another place accepted an amendment which now forms part of the Bill; namely,

“ Provided further that nothing in this sub-section shall apply to income from agriculture arising or accruing in a State in India from land for which any annual payment in money or in kind is made to the State ”.

These, Sir, are the two alterations in the Bill in its passage through the other House and as it stands I would commend it confidently to the acceptance of this House. It is obviously unreasonable that those who are unpatriotic enough not to invest their money in their own country should gain a benefit at the expense of those who do, and for this reason I hope that the House will pass this Bill.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHRÓTRA (United Provinces Central : Non-Muhammadan) : Sir, I rise to extend my support in general to the Bill.

THE HONOURABLE THE PRESIDENT : Does the Honourable Member propose to move his amendment ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I shall move the amendment when we take up the Bill clause by clause. I wish to speak on the general aspect now.

• I rise to extend my support to the Bill that has been just presented to the House. Sir, the big magnates invest a very large capital outside India because they do not have to pay income-tax and the burden of income-tax falls mostly on those who invest in this country. I hope, Sir, that the income that will be derived from this taxation will be utilised in giving relief to the over-taxed people of the country belonging to the lower and the middle classes. On account of dire necessity Government has lowered the taxable minimum from Rs. 2,000 to Rs. 1,000 and by this process tax has levied mostly on poor people, for instance, petty shopkeepers and even *tongawallas*.

THE HONOURABLE THE PRESIDENT : We have nothing to do with that question. We are dealing now with foreign investments.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I am developing the point and coming to it. If income from income-tax is increased, this class of people will get some relief. The Bill that has emerged from the Legislative Assembly, as has been pointed out by my Honourable friend, Mr. Taylor, has undergone one or two changes. One of them being the deletion of a proviso by which income of persons who are investing their capital in foreign countries will be taxed on accumulated incomes and not on yearly basis; and the second being the addition of a proviso by which agricultural income will not be taxed. I do not agree with the former, but welcome the latter, because persons who are carrying on agriculture are already taxed and have to pay land revenue whether they carry on their business in British India or Indian States and if the balance, even after paying land revenue, is also taxed, it will be a double tax and will cause great hardship.

Then, Sir, I am glad that the Bill will not have retrospective effect. Of course, as Mr. Taylor has pointed out, it would be very difficult to find out what investments were made in previous years and then how many years' income should be taken into consideration for taxation and so on. There are some other defects in this Bill which I want to point out. Firstly, no provision has been made to tax incomes of those who get pensions and are living outside India. People who are living in British India and who get their pension are already taxed. But those who are living outside British India are not taxed.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Do they not pay income-tax in the country in which they live?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: We do not mind what the income is, but the money is taken away from India. In reply to the question of my Honourable friend, I shall quote an instance. For example, on the loans that are floated by the Government here in India, the investors get their interest minus income-tax. But the sterling loans which are floated in England they get the total interest without the deduction of income-tax though India has to pay the interest. So no provision had been made to effect such kinds of income. Not only would it have increased the income but it would have removed a great hardship felt by our countrymen and it was also expressed at the time of the budget-discussion and I am repeating it again. That is a great defect in this Act.

Then, Sir, the Finance Member in the Assembly has held out a hope that a Committee will be appointed which will see the working of this Act and if any hardship is being felt further amendments will be made. I would suggest so far as this matter is concerned, that the Committee should be a Committee of both Houses and not of the Assembly alone. The Leader of the House this morning made repeated references in connection with the Haj Bill to the fact that the Haj Committee consisted of Members of both Houses. I hope that example will be followed by the Government when they are going to appoint a Committee to look after the working of this Act.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, I have much pleasure in supporting the Bill, the aims and objects of which are to assess tax on all foreign income of a resident of British India from whatever source derived and whenever it is

received in or brought into British India. It cannot be gainsaid that the Bill when passed into an Act, will be able to realise a large amount for the exchequer of Government from the incomes of persons or residents of British India who have investments abroad and specially in gilt-edged securities. Instances are not a few when it has been found that attempts have been made by persons or residents of British India who have had various sources of income abroad, at avoiding payment of income-tax to the Government of India. Not only that, the income of a resident in British India accruing out of his foreign investments has remained untaxed. It is to levy tax on such incomes that this Bill has been placed before us for our consideration. Equity and justice demand, nay, it is most reasonable that this Bill which has been passed by the other House should be endorsed by us too and passed without any demur or objection. The proposed measure, Sir, so far as I am able to understand, will make for a financial gain to our Government and as such there can be no two opinions about its easy passage by this Honourable House. From the point of view of India's economic position, Sir, it may be said that although the provisions of the Bill when made operative will not be able to put a stop altogether to the flight of capital from India at the first instance, they will, at least, put a check upon it and, in the long run, it is hoped, investments in foreign countries by residents in India will terminate.

With these few words, Sir, I support the Bill.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christians): Sir, while giving my whole-hearted support to the Bill I cannot help making a few observations. The wise man has said :

"There are three things which are too wonderful for me, yea, four, which I know not. The way of the eagle in the air, the way of the serpent upon a rock, the way of the ship in the midst of the sea, the way of a man with a maid".

But he failed to add the way of the Finance Department of the Government with the Indian tax-payer. A very culpable omission indeed.

When some of us suggested an easy method of adding at least Rs. 40 lakhs to the revenue without causing any hardship to anybody, the Government would not even look at it. Now by this Bill the Government is trying to glean a few rupees here and a few rupees there. By taxing under the Income-tax Act pensions and allowances paid outside India, no one will suffer or lose a single penny except a few persons who are resident on the Continent or in the Free State of Ireland. We are now taxing incomes earned outside India and we refuse to tax incomes earned in India and payable by India. Is it a logical position? The Government may answer we cannot tax people not resident in India. It is not a question of residence: it is a question of the source of income. It cannot be denied that the allowances and pensions are earned in India. It is not suggested that the Indian Legislature cannot tax pensions and allowances paid out of Indian revenues. The difficulty, if any, can be easily got over. There are so many things in the melting pot now. What is Australia doing in this matter? Where there is a will there is a way.

It may be urged now that the White Paper has put it beyond the power of the Indian Legislature to tax the pensions of persons residing permanently outside India. This is only a safeguard—the result of fear on the part of some people that the future Indian Legislature might impose a very heavy income-tax on pensions. Like several other safeguards it is not only unnecessary but mischievous. The Government ought to fight against any such provision being enacted in any Act of Parliament. A reasonable safeguard would be that the Indian income-tax should not exceed the British income-tax.

[Sir David Devadoss.]

By not taxing the pensions and allowances paid outside India we are only benefiting the British exchequer. I do not say it is the deliberate policy of the Government to help the British exchequer at the cost of the Indian. But the result is we are perhaps adding a quarter of a million to the £800 odd millions of the English revenue whereas we are losing about Rs. 40 lakhs which is a big sum compared to our income.

Sir, in this connection I am reminded of a parable told on a memorable occasion. There were two men in one city—the one rich and the other poor. The rich man had exceeding many flocks and herds but the poor man had nothing save one ewe lamb which he had brought up and nourished and it grew up together with him and his children. It did eat of his own meat and drank of his own cup and lay in his bosom and was unto him as a daughter. And there came a traveller unto the rich man and he spared to take of his own herd to dress for the wayfaring man that was come unto him but took the poor man's lamb and dressed it for the man that was come to him.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, this measure has been received by the other House as well as by this House with acclamation. If I wish to say a few words now it is just to remark on the one difficulty in the drafting of this Act. This Act imposes the Indian income-tax on the foreign incomes only if it is brought into India and if it is not brought into India, though it accrues to the resident in India, he escapes Indian income-tax. That point, Sir, is an invidious distinction between Europeans and Indians, because an Indian has got to bring back his money now or some time afterwards.

THE HONOURABLE THE PRESIDENT : Is the Honourable Member aware that that had formed the subject of a previous Bill in the other House and this House last year which was not accepted by the non-official Members ?

THE HONOURABLE MR. HOSSAIN IMAM : I may remind the House, Sir, that part of this point was raised in the other House and Sir George Schuster said in his reply that the people who have sent their money away have done so after paying income-tax in India. That was the defence that Sir George Schuster made. If the Finance Department were to make it a rule that once a sum of money has paid income tax all incomes accruing from it will not be liable to income-tax I think it will be hailed by most Indians as a great and benevolent resolution. The difference between income and capital is nothing but that income saved becomes capital. Capital does not come out of anywhere else. It is only the income that we manage to save and pile up year after year that becomes capital and becomes a source of income. Here, on account of this provision that the money must be brought into India, we are placing the investment of Europeans in England free of income-tax. Further, we do not know whether incomes accruing to residents in India are subject to foreign income-tax or not. If they are subject to foreign income-tax, will they get any rebate from the income-tax to be assessed by the Government ? These are the two points on which I hope the Honourable Member will enlighten us.

THE HONOURABLE MR. J. B. TAYLOR : Sir, I would like to answer straightaway the last question of the Honourable Mr. Hossain Imam. He asked whether investments abroad were subject to foreign income-tax. That of course is rather a complicated question, but I think that I can put the main issue as regards investments in Great Britain at any rate very shortly. If an investor invests in British companies he will be subject to British income-tax. Of course he can obtain double income-tax relief. But there is a list of securities which include most Colonial securities, our Indian Sterling loans and certain British Government securities, such as the Funding Loan, which are paid free of British income-tax, so that the Indian investor who puts his money escapes income-tax on them. I think that was the question that he wished to ask.

Another of his contentions, which was of some substance, was that we were somewhat illogical in not taxing accrual wherever it may accrue. A Bill to that effect—a more comprehensive Bill—was brought forward in the Legislature two or three years ago, but was thrown out. There are very obvious difficulties in the way of such a comprehensive measure. The Honourable Mr. Hossain Imam himself showed some of them by implication. It would no doubt be a very simple solution if we were to accept the contention that once a certain sum has paid income-tax, all the future profits that that sum earns should be freed from income-tax. That would mean that once it had paid income-tax, it would not be available at all for the future revenues of the country and in future would escape income-tax entirely. That is one of the difficulties. It is a very minor one, because obviously such a solution would be impossible, but it shows the difficulties which might result from the acceptance of the wide principle which he has indicated.

THE HONOURABLE MR. HOSSAIN IMAM : It is not my principle ; it is Sir George Schuster's principle which I recounted.

THE HONOURABLE MR. J. B. TAYLOR : Another difficulty about accrual is about people who are only temporary residents in this country. That is a very complicated problem which cannot be dismissed so summarily as he did, because there are all types of temporary residents from the man who stays here only for a few months to the man who spends his working life in this country. For that reason, Sir, we decided to accept the majority opinion of the other House as regards the more complicated measure and we have concentrated on this simpler one. For that reason I do not wish to discuss at any length the wider questions of income-tax on pensions, on leave salaries and so on, which were discussed on another occasion and which are clearly outside the scope of the present Bill.

There is only one other point, Sir. The Honourable Mr. Mehrotra referred to a Committee and voiced the natural desire of this House that if there was a Committee, there should be Members from this House on it. The suggestion—it was no more than a suggestion—was thrown out very early in the debate in another place when there was considerable apprehension felt as to the workability of the retrospective provisions of the Bill. These being satisfactorily met during the debate, no more was heard about the proposal. The Honourable the Finance Member threw out the suggestion, but as we met all these difficulties by the amendment which Government accepted, the question of a Committee receded into the background. I do not think, Sir, there is anything more for me to say. I am very glad that the principle of the Bill has met with the commendation of this House.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): Will the Honourable Member tell us what will be the probable amount we will get, if this measure becomes law, at any rate for the first year?

THE HONOURABLE MR. J. B. TAYLOR: That, Sir, is a question which I am afraid it is impossible to answer, because, under our present income-tax scheme these sums are not shown in the returns at all. It is pure guesswork how much we should get and I am afraid that I would not like to hazard a guess.

THE HONOURABLE THE PRESIDENT: The question is:

“That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose (amendment of section 4), as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is:

“That clause 2 stand part of the Bill.”

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, I beg to move:

“That after the first proviso to sub-clause (c) of clause 2 of the Bill, the following proviso be inserted, namely:

‘Provided further that where an accumulation of such income, profits or gains accruing or arising over a period of more than one year is received in or brought into British India in one year super-tax if chargeable shall be charged on each separate portion of such accumulation representing the total accumulation divided by the number of years comprised in whole or in part in the period at the rate or rates which would have been applicable if such portion only had been received in or brought into British India in that year, and represented the portion of the assessee's income chargeable with the highest rates applicable; and’ ”

Sir, the object of this amendment is that income accumulated in foreign countries, when brought to India, and if it is liable to super-tax, it should be charged according to the basis of yearly income. This proviso has got a history behind it. In the Select Committee the non-official Members fought on this point and by a majority inserted this clause. Perhaps they thought that this tax is being introduced for the first time, and therefore it would be a great hardship if all the rigidity of the law were exercised, all at once, and so they came to a formula that if super-tax is chargeable—there is no question of income-tax—it may be charged on the basis of yearly income. For this purpose they inserted this clause in their report. The Government did not agree there and wrote a note of dissent; but when the Bill was moved in the Legislative Assembly, the Honourable the Finance Member waived his objection and said that as this proviso had been accepted and brought forward by the majority of the members of the Select Committee, Government will neither move any amendment on the point nor object to the inclusion of the proviso. The Finance Member said:

“However, the Government, in view of the wish of the majority of the Select Committee, would not move any amendment but would accept the proposal of the Select Committee by which profits though brought in India in a lump sum might be taxed according to the number of years during which they were earned.”

He further said that the Government objective was to remove the privilege and unnatural inducement to people to take out capital from India for investment. So, Sir, this was the position of the Government. But after making this speech, when an Honourable Member moved for the deletion of this proviso they said they would be quite agreeable to its deletion. I fail to understand the position taken up by the Government. I may submit that I am not advocating that the income of rich magnates should not be taxed, but it is not reasonable to jump to this stage all at once. With this proviso the rate of super-tax would be about 9 to 15 pies in the rupee, whereas it might be as much as 21 pies per rupee without this proviso. That is the position and I hope the House will agree to this amendment being included in the Bill.

THE HONOURABLE THE PRESIDENT : Discussion will now proceed on this amendment.

THE HONOURABLE MR. J. B. TAYLOR : Sir, I was waiting with some curiosity to see what arguments the Honourable Rai Bahadur would develop in defence of a proposition which found one solitary defender in another place, and I hope that by the time I have finished there will not even be that in this House. Sir, he made great play with a speech made by the Honourable the Finance Member at an early stage of this Bill. As I have pointed out in my introductory speech, the Bill was altered in its passage both through the Select Committee and through the Lower House, and the point made by the Select Committee was as regards retrospective effect, and when this was met in a more satisfactory way by the inclusion of this particular amendment the original one naturally failed to find support. I alluded in my opening speech to some of the administrative difficulties inherent in this proposal. I will merely refer to one. Incidentally, I am rather astonished at the consideration of the Honourable mover of the amendment for the payer of super-tax. It is to be noted that the difficulty, if it is a difficulty, will apply equally to the poorer man who does not come up to the super-tax level. There seems to be no reason why, if this is a boon which can be granted, it should be confined merely to the rich man who pays super-tax and should not be given to everybody. There is one obvious way in which this provision could be evaded. There are such things as one or two-man companies which are started abroad for the purpose of investment. It would be a simple matter for anybody who wished to drive a coach and four through the Act by the use of this amendment to invest his money abroad, allow it to pile up for ten years, carrying the profits each year to reserve. Let us say that his profits for ten years amounted to a crore. For each of nine years he might show a profit of say Rs. 1,000 or so and in the last year a profit of Rs. 99 lakhs odd, yet he would pay here as if this had been steadily accruing over the whole ten years. It would be very difficult for the income-tax authorities here to assess what was his real profit each year. There are other difficulties. In view of the fact that this amendment has been put forward in order to meet a difficulty which has otherwise been more satisfactorily met I hope that the House will reject it.

THE HONOURABLE THE PRESIDENT : The question is :

"That that amendment be made."

The motion was negatived.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill

THE HONOURABLE MR. J. B. TAYLOR : Sir, I move :

“That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose (amendment of section 4), as passed by the Legislative Assembly, be passed.”

The motion was adopted.

SAFEGUARDING OF INDUSTRIES BILL.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary) : Sir, I move :

“That the Bill to provide for the imposition of additional duties of customs on imported goods for the purpose of safeguarding industries in British India, as passed by the Legislative Assembly, be taken into consideration.”

The accepted policy of Government in regard to protection of industries is a policy of discriminating protection, and Government maintain that in ordinary circumstances it is the best policy for India. But, Sir, the times through which we are passing are far from normal. In the past few years the financial and economic structures of many countries have been shaken to their foundations and the resulting instability has given rise, and may give rise in the future, to special conditions which constitute a serious menace to India's growing industries. Many of these industries, in ordinary circumstances of economic competition, would not ask for protection, and indeed they could not qualify for protection under our existing policy. That is no reason, however, why in an emergency they should be allowed to go to the wall. It has therefore become necessary to supplement the policy of discriminating protection by special legislation. The present Bill has been framed for that purpose and I am confident, Sir, that the object of this Bill, namely, the protection of Indian industries against uneconomic competition from abroad, will receive the support of all Honourable Members of this House and of a very general body of opinion outside.

If I may refer to particular provisions of the Bill, section 2 of the Bill apparently confers on the executive very wide powers indeed. It may be asked why it was not possible to circumscribe these powers by defining somewhat more precisely the circumstances in which they might be exercised. In particular it may be asked why we have gone beyond India's immediate problem, namely, the competition from a country with a depreciated currency. To these questions I would give this reply. It would be very rash indeed to assume that in the present unsettled state of world economic conditions that a depreciated currency is the only special condition which would constitute a menace to India's industries. It is for this reason that the Bill has been framed in general terms which permit of prompt action being taken in any emergency. If, however, Honourable Members will refer to section 3 of the Bill they will see that the apparently wide powers are subject to check by the Legislature. Section 3 prescribes that any Notification issued in pursuance of the powers conferred by section 2 shall be laid before both Houses of the Legislature for their consideration and, failing their approval, it will automatically lapse. It was recently emphasised in the course of a debate, in another place that if any such legislation as the present were introduced it was essential that the interests of the consumer should not be sacrificed to those of the industrialist. I submit that section 3 providing as it does for the

scrutiny of executive acts by the Legislature provides a sufficient safeguard for those very important interests. This measure is not put forward, Sir, as the last word in safeguarding legislation. It is admittedly an emergency measure and for this reason a term has been put to its operation and it will cease to be effective after the 31st day of March, 1935. It may be that before that date the need for emergency legislation will have passed away. We hope that that will be so, but if not, the experience that we shall have gained from the working of the present measure will be the foundation on which we can build a more elaborate and more scientific structure to take its place.

Finally, I would refer to the relation of safeguarding legislation to India's Treaty obligations. The existence of a most favoured nation clause in any commercial treaty between two countries is a bar to the exercise by one of them of discriminating tariff treatment against the other. We have with Japan a Convention that was concluded in 1905 and a clause of the most favoured nation type finds a place in that Convention. Steps have, however, been taken to denounce the Convention and the bar which formerly existed against action in this way will disappear on the expiry of the period of denunciation.

Sir, I move.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): Sir, let me premise by saying that I am not opposed to the prevention of dumping by legislation, but I am afraid that there are some misapprehensions regarding the exact scope of the Bill. The working of the idea behind the Bill also bristles with extraordinary difficulties. There has been so much loose talk about dumping for the last few weeks that it is necessary to clear the atmosphere before we examine the provisions of the Bill. To clear the atmosphere, let us take the general economic considerations and find out what "dumping" really and exactly connotes. As used by economists it implies according to Professor Taussig:

"The disposal of commodities in a foreign country at one price and to domestic purchasers at another and higher price".

We should not fail to note that there are circumstances in which systematic dumping, that is to say, selling more cheaply abroad than at home, may be a prudent business practice to which no objection can reasonably be taken. For instance, a manufacturer might find that the demand for his product is inelastic at home and elastic abroad; that is to say, that lowering his home price would not greatly increase his sales and that raising his foreign price would greatly decrease them. Such a difference between market conditions is perfectly possible. Acting on this difference means that the manufacturer throws his overhead costs disproportionately more upon the home market than upon the foreign market, because if he tried to spread them over evenly he would lose the foreign market. This sort of adjusting prices of the same commodities to the conditions of different markets so as to make the maximum net profit over all, disposing of surplus stocks at a sacrifice, selling for a time at a loss to make goods known to new customers, selling for a time, at a loss, in order to drive a rival out of business or bring him into an agreement, are all part of the normal technique of marketing, whether in domestic trade or in foreign trade.

Although price discrimination as such may not be objectionable on principle yet there are certain types of dumping which are harmful to the industry and trade of a country and are undesirable in the best interests of the country. In the *first place*, sporadic dumping in the shape of disposal of

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casual overstocks of goods at a sacrifice is harmful in its effects because markets and production in the country receiving dumped goods are upset, and since the continuance of dumping cannot be counted upon, even the consumers who benefited originally by the cheap goods may lose in the end. In the casual character of this dumping, however, lies also the difficulty of dealing with it. The existence of a high tariff is not a sufficient obstacle to this kind of dumping. The importation of Japanese piecegoods in spite of a high tariff wall is sometimes cited as an example of this kind of sporadic dumping. *Secondly*, there is another kind of dumping which is known as predatory dumping, the object of which is to eliminate competitors in a certain market with the object of charging higher prices later on. But such dumping will only be worth while for manufacturers who already have in hand or in prospect a monopoly not in their own market alone but in all the world outside the country where they dump. Hence this kind of dumping is rather a rare phenomenon. But there is a *third* variety which is not uncommon. Sometimes there is dumping by monopolists from behind the tariff wall. Being assured of a secure market at home they might charge higher prices there while selling at low prices abroad. In this case the rival producers in the country receiving the cheap goods are undersold with the help of subsidies extorted by a foreign monopoly from its domestic consumers under protection of a tariff; they have not the possibility of reprisals by invading the home market of their opponents. Therefore this kind of dumping business becomes an irritant all round, to the domestic consumers who are exploited and to the rival producers abroad who are put out of business. Hence this kind of dumping in my opinion should be discouraged by suitable legislation.

Let us now examine the conditions for applying anti-dumping legislation. The term "dumping" which has been defined by Professor Jacob Viner of Chicago to imply price discrimination between national markets means something else when politicians, businessmen, legislators and the public generally use this term. It has a variety of meanings with little in common between them, except denoting of a price which the speaker objects to as too low.

Thus under the British Safeguarding of Industries Act for the prevention of dumping, the term covers selling not only below cost of production but also selling abroad cheaply as the result of depreciated currency and as the result of having lower wages or standards of living. Neither of these last need involve any price discrimination between home and foreign markets. In fact when the Indian cotton mill industry complains of Japanese dumping it is presumed that abnormally low prices of Japanese goods are due to abnormally low external purchasing power of Japanese currency. On the other hand, when Lancashire complains of Japanese dumping in the Indian market reference is made to low wages and long hours of work in the Japanese cotton industries.

The result of looking at the question of dumping from such a curious point of view has been that whenever the foreigner sells his goods in a certain market at a price which is considered too low by a particular industry there is clamour about dumping. But it is possible that such dumping represents merely systematic undercutting which is nearly indistinguishable from competition based on better resources, or more efficient management or cheaper labour or any other natural or technical advantage. From the point of view of sectional interests it might be desirable to stop such dumping by legislation. But from the wider point of view of the best interests of the community such legislation may have little or no justification. In fact, Mr. W. A. Martin forcibly argued,

in a minute of dissent appended to the Report of the Commission appointed in South Africa to consider the working of anti-dumping legislation, that

“the system is liable to great abuse and lends itself to the grant of additional protection to the local industry often on grounds that are not justified”

and that the consumers would lose the benefit of lower prices.

This danger involved in anti-dumping legislation becomes obvious when we consider the professed object of such legislation as given in the existing anti-dumping Acts.

The South African Anti-dumping Act of 1923 provides that the Act will come into operation where

“detriment, may, in the opinion of the Minister of Finance, result to a Union industry”.

A change was made in 1925 which was welcomed by the country: under section 15 of the 1925 Act a prior investigation and report is to be made by the Board of Trade before a duty can be applied and the Minister must be satisfied not only that detriment may result to a minor industry but also

“that it would be in the public interest”

to impose a duty.

Such a specific clause should have been incorporated in this piece of legislation that we are considering. In the present Bill the language is so vague that when this Bill becomes law protection can be given to any and every industry by administrative action, to be confirmed later by the Legislature.

It is stated that action will be taken under this law when the Government are satisfied that foreign goods are selling at

“such abnormally low prices that the existence of an industry established in British India is thereby endangered”.

The only interpretation of this clause is that dumping will be presumed whenever the domestic industry is undersold by its foreign rivals. But it is obvious that underselling does not necessarily mean sporadic or predatory dumping of an objectionable kind. In fact if this clause remains as it is and is not circumscribed by rules under the rule-making powers under clause 4 there can be no limit to the extent of protection which Indian industries, sheltered by a protective tariff or a high revenue tariff (which has a protective effect), can legitimately claim.

As a matter of fact the interpretation of what are “abnormally low prices” will be left to the discretion of Government and it is likely that they will fail to distinguish between the effects of unfair foreign competition and the effects of fair and healthy foreign competition upon domestic prices. Thus anti-dumping duties will lend themselves to the grant of additional protection to the local industry often on grounds that are not justified.

Let us now see how anti-dumping duties work in practice. It is obvious that there are great difficulties as regards the working of anti-dumping duties. *First and foremost* there is the difficulty of time. If, as in the original South African Act of 1914, previous notice has to be given of the duties, goods will be rushed in during the period of notice; against sporadic dumping this amounts always to closing of the stable door after the horse has been stolen. In fact the effect of anti-dumping duties likely to be imposed on Japanese piecegoods and hosiery will be somewhat similar. If the additional duties

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are imposed without notice, crippling uncertainty is introduced into the importing business; for it is by no means easy for an importer to know beforehand whether any particular transaction will be treated as dumping. In these circumstances it is difficult to see how anti-dumping duties can be levied with perfect fairness. The object of this Bill as the Government say is

“to enable prompt action to be taken to meet any serious menace to Indian industries”.

But the difficulty of taking prompt action ought to be clear to those who will be responsible for the administration of the Act. *Secondly*, there is the difficulty of determining the domestic price of the imported article in the country of its origin, in order to see whether price discrimination has in fact occurred. Determination of what are strictly comparable prices in two widely different countries is always a difficulty and sometimes an insoluble problem. It has often been solved in practice by giving a large amount of arbitrary powers to customs officials. *Thirdly*, as I have already said, the experience in other countries has been that there is a tendency to sacrifice general to sectional interests. *Fourthly*, there is the tendency of temporary anti-dumping duties to grow into additional general and permanent protection as illustrated in the case of the South African wheat industry or wrapping paper industry.

Sir, as I said I am not opposed to a legislation of the kind proposed, but I do feel that the Government should be very very cautious to apply the anti-dumping duties. They should be very careful to see that they are not subordinating the general interest to sectional ones. There is a suspicion in the public mind that the Government may be stampeded by some of the local industries into taking action under this legislation without fully and minutely examining the case—I would therefore ask the Government when they may have occasion to take action under the provisions of this Bill they should immediately thereafter put the whole case before the Indian Tariff Board, who should, after examining the case, submit a report which, along with the Government proposal, should be placed before the Legislature for confirmation or refusal. After all, legislators are lay people and the report of the Tariff Board consisting presumably of experts will be of immense value to them to enable them to come to a conclusion which will be just and fair.

Save the industries by all means, I say, but try to save the tax-payer also.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan): Sir, the Safeguarding of Industries Bill marks a new departure in our industrial history. It is in a way a charter for our industries. From that point of view, it is needless to say that it deserves our support regardless of the fact from which part of India we come. If, for instance, we in Bengal are not cotton manufacturers, we have other industries which will now have protection. Sir, there is another aspect however to which I beg to draw the attention of the Government, and that is the point of view of the consumers. One hopes, Sir, that in giving protection to industries, the interests of the consumers will not be considered any the less important than the interests of the industrialists. Sir, we are promised a special department of Statistical Research and this Department should protect the interests of the consumers in determining the amount of protection necessary in the case of an industry and to see that the protection of tariffs is not used to exploit the consumer. Sir,

so long as the Government sees that the operations of the Bill do not harm the consumers, we may expect great benefit from it to the country at large including the consumers.

Sir, I support the Bill.

*THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I welcome the measure that the Government has put forward before this House today. I must at the same time say that the measure has been brought in very late and that there are apprehensions that in case it is passed, its application will also be delayed. From what I find in the newspapers, it appears that Sir John Simon, while denouncing the Indo-Japanese Trade Treaty thinks—we at least so infer—that the Government of India will not be able to take action under this Bill if it is passed for another six months. In case I am wrong in this matter, I think the Honourable Mr. Stewart will put me right. So far as this Convention is concerned, the Honourable Mr. Basu quoted the views of Professor Jacob Viner of the Chicago University. I hold, Sir, that when the industries of a country are in a very bad plight and when they are likely to collapse soon and perish, it is right and proper to take immediate action. In case immediate action is not taken, it will be like the physician who has got a specific for the diseases of his patient in his pocket, but does not give him the medicine until the patient dies. Sir, the Honourable Mr. Basu, although he luke-warmly supported the measure, I could see from his speech that he does not see eye to eye with the Government in this measure.

THE HONOURABLE MR. BIJAY KUMAR BASU : I want only to caution the Government. That is all.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Caution the Government or discourage the Government ? However, I might say that notwithstanding the Indo-Japanese Treaty being in force, Professor Jacob Viner in his book on dumping says :

“ Many countries have nevertheless asserted their right to impose additional duties on imports on articles from countries which grant bounties on such articles even though these countries are entitled by treaty to most-favoured-nation treatment and some jurists have conceded the validity of such claim ”.

The following extract from the same book throws interesting light on the attitude of the Government of India on the same question on a previous occasion :

“ It was not until 1899, when India upon the insistence of Joseph Chamberlain, the British Secretary of State for the Colonies, enacted a bounty countervailing provision that the British Government definitely and unqualifiedly committed itself in reply to the Russian protests against the Indian duties to the position that countervailing duties were not in violation of most-favoured-nation obligations ”.

I might also mention that Japan herself, in the presence of the Indo-Japanese Convention, imposed a prohibitive duty on Indian pig iron, but the bulk of which was then being exported to this country and she did not hesitate to wriggle out of the Convention when she prohibited the import of Indian rice two years before, though the import of Siamese rice was allowed at the time. If the favoured nation Convention cannot come in the way of Japan when it suits her motive to do so, I cannot understand how it can impede the Government of India to take similar steps even when they feel, as they must

*Speech not corrected by the Honourable Member.

[Rai Bahadur Lala Ram Saran Das.]

do, the inequity of Japanese competition underselling Indian goods even in Indian markets. Sir, I wish that the Government should find a way out of their difficulties if any difficulty exists in enforcing this Bill immediately in case it is passed, and thus save the Indian industry from disaster. Sir, other countries like Canada, France, Italy, Germany, South Africa, Australia, New Zealand, and the British Isles themselves have passed such measures, and if I am right, they took immediate action. In India, the industries which are at present suffering from this dumping, whether this dumping is exchange dumping or any other dumping which the Honourable Mr. Basu has enunciated, but the fact is there that the goods are being sold below cost price. To prove this, Sir, I will give only one or two instances, in order to save the time of the Council. If we take the case of the strawboard industry, early in 1932 the price of strawboards in India was Rs. 14 per cwt. and now it has come down to Rs. 4 per cwt. If we analyse this price of Rs. 4 per cwt. we find that the duty is Rs. 1-4-0 per cwt. and steamer freight is over Re. 1 per cwt. That leaves Rs. 1-12-0 per cwt. at the selling country's port, which does not mean that the seller receives even that much.

THE HONOURABLE MR. BIJAY KUMAR BASU : What is the price in the country of origin ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I will give that if you will wait. The rates have been reduced as a result of dumping. High prices were being obtained early in 1932 just before manufacture started in India. The Government is charging a duty of 25 per cent. based on a tariff valuation of Rs. 5 per cwt. Last year this valuation was Rs. 5-4-0 per cwt. and the actual price c. i. f. at which strawboards are now selling is Rs. 2-12-0. That is the rate for Japanese boards, but other countries are also selling them equally cheap ; for instance, Holland strawboards are only 6 annas per cwt. dearer than the Japanese because of the difference in quality. Sir, as far as I know, the cost of production of these boards, which Mr. Basu wants to know, is something like Rs. 5-4-0 per cwt. in India.

THE HONOURABLE MR. BIJAY KUMAR BASU : I wanted to know the cost of these strawboards which you say are dumped here in their own country of origin ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : When those countries can sell their strawboards at Rs. 1-10-0 per cwt. you can easily perceive that that cannot possibly be the cost of manufacture.

Sir, there are many other industries which are being badly hit—paint, cement, sugar-candy, cotton and woollen textiles, cotton and woollen hosiery, and what not. The Honourable Mr. Suhrawardy while making his observations said that we must also protect the interests of the consumer. Certainly, I agree with him, but to a certain extent. Perhaps my Honourable friend does not know that in other countries, simply for the sake of saving and keeping their industries, they put on as much as 250 per cent. upon foreign imports. In India we have not reached that heavy figure of duty so far. Sir, as soon as this anti-dumping measure appeared in the press we found from the newspapers that the authorities concerned in Japan took a very light view of this legislation and it would appear from the cables that they are devising some means to meet the situation created by this new legislation. For the information of this House I might say that I have reliable information that the

Japanese are even now selling forward deliveries for a few months hence at present prices, with a clause that whether or not there is an additional imposition of duty owing to this new measure they will sell their goods at present prices. This shows, Sir, that Japan any how is bent upon dumping notwithstanding any measures that the Government may adopt. I hope that the Government of India will be firm and will fight all means taken by countries whose ambition and aspiration it is to ruin our industries.

Sir, this Bill will be universally well received all over India. Every Chamber of Commerce, European and Indian, has been pressing for it and a lot of memorials have been sent to the Honourable Commerce Member on the subject. I should like to ask the Honourable Mr. Stewart why the situation in India is so different to that in Japan? I think it is due to the fact that the Government of India has no plans, no policy, and is unable to look ahead. Even when it does look ahead it requires six months' notice to end the Anglo-Japanese Treaty, in which interval its own industries die. When the exchange was raised to 1s. 6d. we immediately gave a protection of 12½ per cent. in duties to foreign imports. The raising of the customs duty to 25 per cent. has merely established the old *status quo*. But now has come a further blow in the depreciation of Japanese currency, and even that cannot be overcome for another six months. Sir, the Honourable Mr. Basu also observed that before Government takes any action it ought to examine the proposals put up by various industries. I understand from that that the Honourable Mr. Basu wants to delay matters further and further. The Indian Tariff Board submitted its report upon the textile industry months ago, but no action was taken on it. If a similar inquiry is ordered in other cases perhaps another 12 months will pass before any action is taken.

THE HONOURABLE MR. BIJAY KUMAR BASU : I am sorry my friend has not followed what I said. I said the Government of India after taking administrative action should put their case before the Indian Tariff Board for a report which should be submitted to the Legislature to enable the Legislature to come to a finding.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : That was always understood from the very beginning. Well, Sir, the only request that I have to make is that in case you want to do justice and in case you mean justice, do not delay justice, because justice delayed is justice lost.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, I rise to support the Bill which I think was long over due. It is common knowledge that various commodities for our every-day use are being dumped into our country by foreign nationalities that are carrying on a roaring business in India on the main ground that their goods can be sold at abnormally cheaper rates than the Indian as well as Empire products. In this respect, first of all, Sir, no better illustration can be given than the keen competition of the Japanese piecegoods with those of our country. It is no denying the fact that Japanese piecegoods of all kinds are being imported and dumped into our country in large quantities. Our mill industry is thus hard hit by the Japanese competition, and the rapid manner in which Japan has captured our piecegoods market shows that our mill industry may be extinct if no prompt and effective action by legislation is taken against Japan by our Government to protect it betimes. It is also known to the Members of this Honourable House, Sir, that enjoying the bounties and subsidies from their own Government, the shipping industr

[Mr. Jagadish Chandra Banerjee.]

of Japan can dump Japanese goods into our country at cheap freight which is an important factor that enables Japan to sell her articles in our country at such low rates. Low wages, employment of women and child labour in the Japanese factories are also a reason why Japan can dump her goods into our country.

The Ottawa Agreement which is a sort of "Hobson's choice" to us, Sir, is of no avail in the matter of the Japanese competition when we find that in spite of the tariff wall, how, owing to depreciated exchanges since England went off the gold standard and India's rupee was linked to sterling, the Japanese can sell their goods in India at a price which is certainly detrimental to our industries. The protective duty has touched but the fringe of the rates of the Japanese piecegoods and has not in the least affected her trade with India. Despite the "Buy Indian" slogan and the "Swadeshi" programme, it is found, Sir, that the mill industries in Bombay, Ahmedabad and Nagpur are not in a flourishing condition. They tell a woeful tale. In my province, Sir, the industry is yet in the making and as such cannot stand the least competition. In view of all these important considerations the proposed Bill which is quite a welcome measure when carried into effect will be able to save our ever-doomed Indian textile industry. I hope such means of safeguarding our textile industry, as proposed by Government, when adopted, will not disturb the existing international trade relations with Japan. On the other hand, it will not only protect our indigenous mill industry from the keen competition of Japan as is evidenced today, but will give it an impetus, a filip and incentive which will be for the good and the better production of the goods of this country.

Then, Sir, there are the Japanese glasswares, toys, matches, hosieries and sugar-candy that have flooded the Indian markets. For the last two named necessities of our lives, we know, Sir, protection has been and is being wanted by the representatives of those two industries against the imports of those two kinds of articles from Japan, because our hosiery and sugar-candy industries cannot thrive in face of the hard competition with Japan. Fuji silk and other kinds of cheap Japanese silk are practically driving away the Indian silk from our markets. Our silk industry has been affected by the imports of Japanese silk of cheaper stuff. Other foreign countries than Japan such as Germany, Czechoslovakia, and even America sell some of their goods at such cheaper rates in India that our indigenous industries which are in an infant stage and which also produce some of the articles that are imported from those foreign countries are in a moribund condition.

In these circumstances, Sir, prompt action on the part of Government is necessary for obvious reasons, to protect indigenous industries against the imports of goods from foreign countries. It is gratifying to observe that Government propose to take such action to meet the situation which is threatening the Indian industries.

In fine, Sir, I should like to impress upon Government to take steps to check profiteering in the country which will be rampant, as it is likely that taking advantage of the Act, the wholesale and retail dealers will increase the prices of the country-made goods. It is no doubt the poor consumers will be exploited by them. But having considered the pros and cons of the Bill when I find that it will in the long run do more good than harm to the country I have no hesitation in supporting it and which I hope will be passed *nem. con.*

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I do not intend, now that it wants only five minutes to one, to detain the House, although the discussion has taken an interesting turn and much could be said about the items that have been argued. My only reason for standing at this late hour is to ask the Government to make a change, not in the letter of the law, but in the procedure. In item 3 it is said that every notification issued shall be placed before both Chambers of the Indian Legislature. May I ask the Government to consider the advisability of leaving it to the non-official Members to decide whether they like the measure or dislike the measure in this House as well as in the Assembly ? I cannot ask the Honourable Member to reply to this point all at once, but I should like to impress upon him the desirability of placing this before the Government Member in charge of this Department and make a convention of asking only the non-official Members whether they like the measure or not, because it concerns a subject on which Indians themselves are interested and on which Government is supposed to have no axe to grind. There is another aspect. Clause 2 which refers to an industry being endangered is too wide. There are partial industries established, and the interests of the consumers who number millions should not be weighed with the interests of a few who may be interested in a particular industry. The industry should be in the nature of a key industry or a widespread industry or something which will make it a national industry in some sense, to qualify for protection. It is all very well, Sir, to ask the Government to impose additional taxation. Government is rather apt to do this, because it incidentally places money in their pocket and if now I wish to sound a note of warning it is not in a spirit of opposition but in order to make it less liable to attack in the future, and make it more in consonance with the public opinion of India. India is essentially an agricultural country and industrial development should be gradual and not at the expense of the masses.

Sir, with these few words, I support the Bill.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, my friend, Mr. Hossain Imam, has already sounded a note of warning. If I intervene in the debate at this hour it is to sound another note of warning to the Government. As far as the Bill is concerned, I do not know at this stage whether it is worth giving our whole-hearted or qualified support. Sir, the Honourable the Commerce Member, while introducing this Bill in the other House, accepted that this measure was hastily conceived and was conferring wide powers on the Government. Now, I want Government to remember that these wide powers may not be abused. There should not be any discrimination when these powers are to be exercised towards any nation. If the object is to protect petty and minor industries of India, they should be protected in the right fashion and no discrimination should be made. Another point that I want to bring to the notice of the Government is this, that foreigners coming from outside India have begun to start industries here just to kill the indigenous industries. There should be protection against that also. If the tariff wall is to be raised they will take further advantage of this. I may illustrate the point from one or two examples. All the companies in India manufacturing matches have been taken over by the Swedish Match Factory and thus this industry cannot be developed under the present circumstances. In the same way the cigarette industry. One or two good factories that were started in India have been taken over by the Imperial Tobacco

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

Company and they now form a part of it. So these are the dangers which I want to bring to the notice of the Government. Then, Sir, again it is rumoured that Japan is also going to start some big factories here, some cotton factories and other factories, just to kill the indigenous industries of India. On that point too I want to draw the attention of the Government to the danger involved. So if the tariff wall is to be raised these points ought to be considered in the interests of the indigenous industries.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Do you propose that excise duties should be levied on the production of these foreign companies ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Some such measures should be taken if any real protection is to be given to Indian industries and if India is to be converted into an industrial country.

THE HONOURABLE MR. T. A. STEWART : Sir, I shall not follow Mr. Basu through his essay on dumping and anti-dumping legislation but I can assure him that Government are not unaware of the difficulties and the dangers to which he referred. One of these difficulties and one of these dangers we have avoided by refraining from using the word "dumping" in our Bill. Thereby a matter of interpretation, a very difficult matter, has been avoided. As I said before, we have not been unmindful of the interests of the consumer to which reference has been made by several Honourable Members and, as I pointed out, the provisions of the Act does provide that if the Executive should act to the detriment of consumers the Legislatures will have an early opportunity of setting right their error.

The Honourable Rai Bahadur Lala Ram Saran Das dealt with the question of the Indo-Japanese Trade Convention. He has asked me to confirm, and I do confirm, that the period of denunciation is six months, within which period action cannot be taken. He has also referred to the opinion of Professor Viner that the most favoured nation clause is no bar to action by way of anti-dumping legislation. I do not know how far Professor Viner is an authority but we are advised that it would be a breach of the Treaty were we to act otherwise than we are doing now.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Does that advice come from your legal department in India or from outside India ?

THE HONOURABLE MR. T. A. STEWART : That has been advised both from India and from outside. I think that is the generally accepted interpretation of the most favoured nation treatment.

The Honourable Mr. Suhrawardy put in a plea for Bengal. I can assure him that Bengal will benefit with other industries by this legislation.

The Honourable Mr. Hossain Imam has put to me a question that I think is not one that properly should be answered by me. I am not in a position to dictate the procedure that may be adopted in this House and in another place when the Resolutions to confirm the executive action of Government are put before them.

THE HONOURABLE MR. HOSSAIN IMAM : But will you place this view before the Government ?

THE HONOURABLE MR. T. A. STEWART : I think, Sir, the Leader of the House is here and has heard your remarks. The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra has expressed the fear that behind a new tariff wall there will grow up foreign industries within India. I do not know whether he realises that the legislation now before the House is emergency legislation. It proposes the imposition of emergency duties and if any foreign industry is foolish enough to set up behind a temporary tariff wall it deserves everything that is coming to it.

THE HONOURABLE THE PRESIDENT : The question is :

“ That the Bill to provide for the imposition of additional duties of customs on imported goods for the purpose of safeguarding industries in British India, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. T. A. STEWART : Sir, I move :

“ That the Bill, as passed by the Legislative Assembly, be passed.”

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I rise to congratulate the Honourable Member in charge of the Bill but as he is not present my friend, Mr. Stewart, will act as his post office and carry my congratulations to him. Sir, as this is practically the last measure of this session, I may voice the feelings of the Members of this House that it is not proper for the Members in charge of Bills to absent themselves from the House when measures with which they are concerned are brought before the House. On former occasions it was said that the Assembly was in session but there was no excuse today.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : May I point out, Sir, that there is an excellent excuse. A Member cannot be present in this House if he is not in Delhi.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I understand that the Honourable Members in charge are not in Delhi. But, Sir, I would submit that if the Council of State was going to sit today it was one of their duties to be present in Delhi, and to pilot their Bills in this House. It is due to the fact that in this House the Government has got an absolute majority I should say and therefore they do not show that courtesy even to the Members of the House, and if I have risen this time it is only to protest against this practice and to submit that Honourable Members in charge will in future show this much courtesy to the House to be present at least on those days when their Bills are piloted through the House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Sir, I think it would be wrong on my part not to point out to the House whether the Government are prepared to accept the code of etiquette that the Honourable Member who has just spoken wants to lay down for the House

[Khan Bahadur Mian Sir Fazl-i-Husain.]

I am sure the House will agree with me in thinking that on every conceivable occasion where the needs of this House in the matter of debate required, the Members of Government have always made it a point to be present in the House in order to place before the House the case under discussion. I remember very well three of my Honourable Colleagues were here in this House although the other House was in session. But when an Honourable Member of this House wants their presence not because he wants them to place their case before the House but just to have the pleasure of seeing them—

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Because we do not get even that pleasure.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Then he ought to have been present when the Honourable Member was in the House some days ago. If he wants to lay down a rule like this just to have the pleasure of seeing Honourable Members, I have no objection—

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Thank you.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN—
to even that whim of his being satisfied provided it is not at public expense. Am I to understand that this House would like Honourable Members to be present here, not because their business requires them, not because the House wants their advice on any point, but simply in order to meet the whim of an occasional Member here or there? I assure you, Sir, that if I get notice in due time from any Member of this House that this particular whim is going to take possession of him at any particular moment of any particular day, I may take steps to secure his attendance provided the cost to the public is not very great, to see that his whim is satisfied. But on the off chance of one Member developing that whim on any particular day, to expect Members, legislative measures belonging to whose department are going to be before the House, even when there are no amendments, sent in on those measures, is really what one might reasonably call unreasonable. Perhaps I have taken the Honourable Member seriously. Feeling that after a protracted session the time of his going home was near, he was probably feeling in a holiday mood.

THE HONOURABLE THE PRESIDENT : The question is :

“That the Bill to provide for the imposition of additional duties of customs on imported goods for the purpose of safeguarding industries in British India, as passed by the Legislative Assembly, be passed.”

The motion was adopted.

INDIAN TARIFF (AMENDMENT) BILL.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary) : Sir, I move :

“That the Bill further to amend the Indian Tariff Act, 1894, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.”

Sir, the object of this amendment to the Tariff Act has been set out with the Bill. It was found that the actual wording of the Tariff admitted to the

concessional rate of Rs. 30 per ton certain sheet made from Indian bar to which the concession was not intended to apply. For this reason, the concession has been restricted by the addition of the date of import into the United Kingdom in item 148A of the Second Schedule.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. T. A. STEWART : Sir, I move :

“ That the Bill, as passed by the Legislative Assembly, be passed.”

The motion was adopted.

THE HONOURABLE THE PRESIDENT : This concludes the work of this session. I am awfully sorry that Honourable Members' stay has been considerably protracted on this occasion, but Honourable Members are fully aware it was due to circumstances over which the Leader of the House had no control. Before we part I must take this opportunity of thanking all the Honourable Members for the support and co-operation they have extended to me during this, my first session. I am also particularly grateful to the Honourable the Leader of the House for the valuable support which he has so kindly extended to me. I have nothing further to add but to wish you all farewell and a safe and happy journey back to your homes. The Council will now adjourn *sine die*.

The Council then adjourned *sine die*.

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